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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

JUST FILM, INC., RAINBOW BUSINESS
SERVICES, D/B/A PRECISION TUNE AUTO
CARE; BURLINGAME MOTORS, INC., DIETZ
TOWING, INC., THE ROSE DRESS, INC.,
VOLKER VON GLASENAPP; JERRY SU;
VERENA BAUMGARTNER; TERRY JORDAN;
AND LEWIS BAE on behalf of themselves, the
general public and those similarly situated

Plaintiffs,

v.

MERCHANT SERVICES, INC.; NATIONAL
PAYMENT PROCESSING; UNIVERSAL
MERCHANT SERVICES LLC; JASON MOORE;
JWM HOLDINGS, LLC; LA QUINTA HOLDINGS
LLC; NATHAN JURCZYK, ROBERT PARISI,
ERIC MADURA, FIONA WALSH, ALICYN
ROY; MBF LEASING LLC; NORTHERN
FUNDING LLC; NORTHERN LEASING
SYSTEMS, INC.; GOLDEN EAGLE LEASING
LLC; LEASE SOURCE, LLC; LEASE FINANCE
GROUP, LLC; JAY COHEN; LEONARD MEZEI;
RICH HAHN; SARA KRIEGER; LINA KRAVIC;
BRIAN FITZGERALD; SAM BUONO; MBF

Case No. 4:10-cv-01993-CW

**STIPULATION PURSUANT TO
CIVIL LOCAL RULE 6-1(A) TO
RESCHEDULE THE HEARING
ON DEFENDANTS' MOTION TO
DISMISS**

and

**STIPULATED REQUEST
PURSUANT TO CIVIL LOCAL
RULE 6-2(A) TO RESCHEDULE
THE CASE MANAGEMENT
CONFERENCE AND
[PROPOSED] ORDER THEREON**

and

**[Declaration of Kristen Simplicio
filed concurrently herewith]**

MERCHANT CAPITAL, LLC; RBL CAPITAL GROUP, LLC; WILLIAM HEALY; JOSEPH I. SUSSMAN; JOSEPH I. SUSSMAN, P.C. TRANSFIRST HOLDINGS, INC.; TRANSFIRST, LLC, TRANSFIRST THIRD PARTY SALES, LLC, COLUMBUS BANK AND TRUST CO.; FIFTH THIRD BANK; AND MERRICK BANK;

Defendants.

WHEREAS, on June 25, 2010, Plaintiffs filed a First Amended Class Action Complaint in this action (the “First Amended Complaint”);

WHEREAS, defendants Merchant Services, Inc.; National Payment Processing; Universal Merchant Services LLC; Jason Moore; JWM Holdings, LLC; La Quinta Holdings LLC; Nathan Jurczyk, Robert Parisi, Eric Madura, Fiona Walshe, Alycin Roy; MBF Leasing LLC; Northern Funding LLC; Northern Leasing Systems, Inc.; Golden Eagle Leasing LLC; Lease Finance Group LLC; Jay Cohen; Leonard Mezei; Rich Hahn; Sara Krieger; Lina Kravic; Brian Fitzgerald; Sam Buono; MBF Merchant Capital, LLC; RBL Capital Group, LLC; William Healy; Fifth Third Bank; and Merrick Bank served responses to the First Amended Complaint on July 26, 2010;

WHEREAS, defendants TransFirst Holdings, Inc., TransFirst, LLC, TransFirst Third Party Sales, LLC, and Columbus Bank and Trust responded to the First Amended Complaint on August 9, 2010, due to an illness of these defendants’ counsel;

WHEREAS, defendants Joseph I. Sussman and Joseph I. Sussman, P.C. were served on July 12, 2010 and responded on August 9, 2010 per agreement of the parties;

WHEREAS, this Court set the hearing date for the dispositive motions and Case Management Conference for September 9, 2010 in an order dated July 12, 2010 [docket #99];

WHEREAS, September 9, 2010 is Rosh Hashanah;

WHEREAS, the parties have agreed, subject to approval of the Court, to move the hearing and Case Management Conference to September 16, 2010;

WHEREAS, the extensions set forth herein will not impact any other deadline currently set by this Court;

1 **NOW, THEREFORE, IT IS HEREBY STIPULATED**, by and between the
2 undersigned parties, through their respective counsel of record, pursuant to Civil Local Rules 6-
3 1(a) and 6-2(a) and Rule 6 of the Federal Rules of Civil Procedure, as follows:

- 4 1. The Court will hear the motions to dismiss and hold a Case Management Conference on
5 September 16, 2010;
- 6 2. Plaintiffs shall oppose any such motions filed in response to the First Amended Complaint
7 in accordance with the local rules; and
- 8 3. Defendants shall reply to any such oppositions in accordance with the local rules.

1 DATED: August 18, 2010

Respectfully submitted,

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12 *Rainbow Business Services d/b/a Precision*
13 *Tune Auto Care, Volker von Glasenapp and*
14 *Jerry Su, Burlingame Motors, Inc., Dietz*
15 *Towing, Inc., The Rose Dress, Inc., Verena*
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By: /s/ Joan E. Trimble

Joan E. Trimble

*Attorney for Defendants MBF Merchant
Capital, LLC and William Healy*

///


PROPOSED ORDER

Pursuant to Civil Local Rule 6-2(a), and **GOOD CAUSE APPEARING THEREFOR**, it is therefore ORDERED that:

1. The Court will hear the motions to dismiss and hold a Case Management Conference on September 16, 2010;
2. Plaintiffs shall oppose any such motions filed in response to the First Amended Complaint in accordance with the local rules; and
3. Served Defendants shall reply to any such oppositions in accordance with the local rules.

IT IS SO ORDERED.

DATED: 8/23/2010



THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

I, Kristen Simplicio, am the ECF user whose ID and password are being used to file this document. In compliance with section X(B) of General Order 45, I hereby attest that Robert Webner, Cary Sullivan, Seema Tendolkar, Scott Pearson, Jen Nigro, Seth Weiner, and Joan Trimble concurred in this filing.

/s/ Kristen Simplicio